IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3764 OF 2005

Raosaheb Baba Metkari ...Applicant

V/s.

The State of Maharashtra & Anr. ...Respondents

Shri. S.S. Patwardhan for the Applicant.
Ms.M.H.Mhatre A.P.P. for the Respondents.

CORAM : A.S. OKA, J.
DATED : JUNE 28, 2005.

P.C.:

1. F.I.R., has been registered against the Applicant and co-accused for offences punishable under sections 147, 148, 149, 323, 326, 504 and 504 of the Indian Penal Code. The Application made by the Applicant for Anticipatory Bail has been rejected by the learned Sessions Judge.

2. The learned Advocate for the Applicant submitted that the incident has allegedly taken place as a result of dispute between the two groups and both the groups have filed F.I.R. He submitted some of the Accused were ordered to be enlarged by granting Anticipatory Bail by the learned Additional Sessions Judge and the remaining Accused have been enlarged on regular bail. He submitted that the custodial interrogation of the Applicant is not necessary. He submitted that the Applicant is a teacher and therefore, he deserves to be protected.

3. The learned A.P.P. relying upon the F.I.R., submitted that the allegation against the Applicant is that he assaulted one Abasaheb on his head by using an axe. The learned A.P.P. stated that said weapon has been already recovered. The learned A.P.P. submitted that considering the gravity of the allegations against the Applicant, custodial interrogation is necessary.

4. I have considered the submissions. Even the learned Additional Sessions Judge while rejecting the Application made by the Applicant has recorded that the incidence took place as a result of free fighting between the two groups. It is not in dispute that five co-accused were ordered to be enlarged on Anticipatory Bail and rest of the Accused have been enlarged on regular bail. Recovery of the weapon allegedly used by the Applicant in the offence has already been made.

5. Considering the aforesaid facts and considering the fact that the Applicant is serving as a teacher, this is not a case where custodial interrogation of the Applicant is required at this stage. Hence, the Applicant is entitled to be enlarged on Anticipatory

Bail. As held by the Apex Court, the order will enure to benefit of the Applicant for a limited period.

6. Hence, the Application is disposed of by passing following order:

: O R D E R :

i) In the event of arrest of the Applicant in connection with the C.R.No.35 of 2005 registered at Mangalwedha Police Station, District Solapur, he shall be enlarged on bail on furnishing P.R.Bond in the sum of Rs.10,000/- and one surety of like amount.

ii)The Anticipatory Bail is granted subject to condition that till the chargesheet is filed the Applicant will attend the concerned Police Station on every Sunday from 11.00 a.m., to 2.00 p.m.

iii) The Applicant will not make any attempt to influence or pressurise the prosecution witnesses and will not tamper with the prosecution evidence.

iv) This order will enure to the benefit of the Applicant till the chargesheet is filed with liberty to the Applicant to move appropriate Application to the appropriate Court.

v) Parties to act upon an authenticated copy of this Order.

JUDGE